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20350 7590 10/13/2009 TOWNSEND AND TOWNSEND AND CREW, LLP TWO EMBARCADERO CENTER EIGHTH FLOOR SAN FRANCISCO, CA 94111-3834				
EXAMINER				
GORTAYO, DANGELINO N				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/731,235

Applicant(s)

YONEYAMA, KAZUTO

Examiner

DANGELINO N. GORTAYO

Art Unit

2168

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 August 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 24, 25 and 27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 24, 25 and 27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. In the amendment filed on 8/26/2009, Claims 24, 25, and 27 have been amended. The currently pending claims considered below are Claims 24, 25, and 27.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 24-25 and 27 are rejected under 35 U.S.C. 102(e) as being unpatentable over Kanazawa et al (US Patent 6,580,870 B1)

As per claim 24, Kanazawa teaches “A device for reproducing a content recorded on a recording medium, the device comprising:” (see Abstract)

“a recording medium control module configured to reproduce the content from the recording medium;” (column 4 lines 44-53, column 14 lines 10-19, wherein a drive accepts and reproduces content from a recording medium containing audiovisual information)

“a network control module coupled with the recording control module, the network control module configured to download content;” (column 4 lines 53-62, column

6 lines 14-30, column 8 lines 10-21, wherein a communication control section and modem connects to a server containing content)

“a playback control module coupled with the recording medium control module and the network control module, the playback control module configured to output the content reproduced by the recording medium control module and/or the content downloaded by the network control module;” (column 6 line 61 – column 7 line 10, column 7 line 53 – column 8 line 9, column 15 lines 11-31, wherein data from the recording medium is streamed and outputted)

“and a system control module coupled with the recording medium control module and the network control module, the system control module configured to control the operations of the recording medium control module and the network control module;” (column 4 lines 45-53, column 6 lines 51-60, column 8 lines 22-65, column 14 lines 10-16, wherein a CPU controls the operations of the communicator and drive containing the recording medium)

“wherein the content recorded on the recording medium includes all of the following: audiovisual content, identification information for identifying the audiovisual content, universal resource locator (URL) information for indicating a location of a related content which relates to the audiovisual content, and data for use in establishing a connection between a server which stores the related content and the device, and downloading or outputting the related content;” (column 4 line 65—column 5 line 54, column 8 lines 10-46, wherein the recording medium contains audiovisual information, title information, identifier information, URL information to access servers containing

content, and link information to connect to resources for accessing content related to the data in the recording medium)

"wherein the recording medium control module automatically reproduces the data on the recording medium;" (column 6 lines 32-50, column 8 lines 7, lines 53-64, column 11 lines 17-38, column 15 lines 34-57, wherein the drive reads data from the recording medium through a playback module)

"and wherein the system control module is further configured to instruct the network control module to connect with the server using the URL information and the data reproduced by the recording medium control module, to send the content identification information reproduced by the recording medium control module to the server, to download the related content from the server using the data to execute a command to connect the device to the server, and instruct the playback control module to output the related content if the data is for use in outputting the related content." (Figure 11A, 19A, column 5 lines 46-54, column 7 line 53 - column 8 line 46, column 15 lines 34-57, column 16 lines 1-58, wherein audiovisual information is identified and the user is presented with information related to the recording medium data and to the information retrieved from the server)

As per claim 25, Kanazawa teaches "A method for reproducing a content recorded on a recording medium, the method comprising:" (see Abstract)

"reproducing audiovisual content, identification information for identifying the audiovisual content, universal resource locator (URL) information for indicating a

location of a related content which is related to the audiovisual content, and data for use in establishing a connection between a server which stores related content and the device, and downloading or outputting the related content;" (column 4 line 65—column 5 line 54, column 8 lines 10-46, wherein the recording medium contains audiovisual information, title information, identifier information, URL information to access servers containing content, and link information to connect to resources for accessing content related to the data in the recording medium)

"reproducing the data on the recording medium automatically;" (column 6 lines 32-50, column 8 lines 7, lines 53-64, column 11 lines 17-38, column 15 lines 34-57, wherein the drive reads data from the recording medium through a playback module)

"connecting with the server using the URL information and the data reproduced from the recording medium;" (column 4 lines 53-62, column 6 lines 14-30, column 8 lines 10-21, wherein a communication control section and modem connects to a server containing content)

sending the content identification information reproduced from the recording medium to the server; (column 5 lines 46-54, column 8 lines 22-46, column 16 lines 1-58, wherein audiovisual information is identified and the user is presented with information related to the recording medium data and requests to download it and display the content)

downloading the related content from the server, (column 5 lines 46-54, column 8 lines 22-46, column 16 lines 1-58, wherein audiovisual information is identified and the

user is presented with information related to the recording medium data and requests to download it and display the content)

outputting the audiovisual content which is reproduced from the recording medium (Figure 11A, 19A, column 5 lines 46-54, column 7 line 53 - column 8 line 46, column 15 lines 34-57, column 16 lines 1-58, wherein audiovisual information is identified and the user is presented with information related to the recording medium data)

and outputting the related content which is downloaded from the server, if the data is for use in outputting the related content." (Figure 11A, 19A, column 5 lines 46-54, column 7 line 53 - column 8 line 46, column 15 lines 34-57, column 16 lines 1-58, wherein audiovisual information is identified and the user is presented with information retrieved from the server related to the recording medium data, if there is related data to the recording medium data)

As per claim 27, Kanazawa teaches A method for recording a content on a recording medium (see Abstract)

comprising: recording an audiovisual content, recording an identification information for identifying the audiovisual content, recording a URL information indicating a location of a related content relating to the audiovisual content; (column 4 line 65—column 5 line 54, column 6 lines 37-50, wherein the recording medium contains audiovisual information, title information, identifier information, and URL information to access servers containing content)

and recording data for use in establishing a connection between a server which stores the related content and the device, and downloading or outputting the related content; (column 4 line 53 – column 5 line 53, column 6 lines 14-30, column 8 lines 10-46, wherein a communication control section and modem connects to a server containing content according to the recording medium information through link information to related servers)

“wherein the data on the recording medium is reproduced automatically by the reproducing device;” (column 6 lines 32-50, column 8 lines 7, lines 53-64, column 11 lines 17-38, column 15 lines 34-57, wherein the drive reads data from the recording medium through a playback module)

“and wherein the URL information and the data are used for connecting with the server, sending the content identification information to the server, downloading the related content from the server, and outputting the related content which is downloaded from the server, if the data is for use in outputting the related content.” (Figure 11A, 19A, column 5 lines 46-54, column 7 line 53 - column 8 line 46, column 15 lines 34-57, column 16 lines 1-58, wherein audiovisual information is identified and the user is presented with information related to the recording medium data and to the information retrieved from the server)

Response to Arguments

4. Applicant's arguments, see page 5, filed 8/26/2009, with respect to the rejection of claim 24 in regards to 35 USC 112, second paragraph have been fully considered

and are persuasive. The rejection of claim 24 in regards to 35 USC 112, second paragraph has been withdrawn.

5. Applicant's arguments, see page 5, filed 8/26/2009, with respect to the rejection of claims 24, 25, and 27 in regards to 35 USC 102(e) have been fully considered but they are not persuasive.

a. Examiner is entitled to give claim limitations their broadest reasonable interpretation in light of the specification. See MPEP 2111 [R-I]

Interpretation of Claims-Broadest Reasonable Interpretation

During patent examination, the pending claims must be 'given the broadest reasonable interpretation consistent with the specification.' Applicant always has the opportunity to amend the claims during prosecution and broad interpretation by the examiner reduces the possibility that the claim, once issued, will be interpreted more broadly than is justified. In re Prater, 162 USPQ 541,550-51 (CCPA 1969).

b. Applicant's arguments is stated as Kanazawa does not teach data for use in downloading the related content and establishing a connection between the server and the device.

In regards to the argument, Examiner respectfully disagrees. As specifically disclosed by Kanazawa in column 4 line 65 – column 5 line 53, the DVD, interpreted by the Examiner to be the recording medium, contains title information and information management tables, as embodied in Figure 2. The

information management table specifically contains information to access resources and relate specific information embodied in servers with parts of audiovisual content. It specifically discloses access, or link information. As disclosed by Kanazawa in column 5 lines 47-53, access information is information to connect to resources for accessing a Web page corresponding to data, to be downloaded from the server. Utilization of the access information is further disclosed in column 8 lines 10-46, wherein the CPU accessing the recording medium utilizes the access information read from the recording medium to access and download a web server containing information to be displayed to a user. As interpreted by the Examiner, the access information contains data to be used in accessing and downloading related content on a server. Therefore, Kanazawa discloses downloading the related content and establishing a connection between the server and the device.

c. Applicant's arguments is stated as Kanazawa does not teach the recording medium control module automatically reproduces the data on the recording medium.

In regards to the argument, Examiner respectfully disagrees. A careful reading of the specification of the instant application shows that no specific mention of automatic reproduction of data is disclosed by the instant application. The word "automatic" or "reproduce" does not appear anywhere in the specification of the instant application. The Examiner interprets automatic reproduction of data on the recording medium to mean that data from a recording

medium is automatically processed by a CPU once a user starts the process to play back the information, and is played back through a playback module. The drive that receives the DVD recording medium of Kanazawa starts reading information automatically, and the user input is presented in the context of data already read from the recording medium by the drive. As disclosed by Kanazawa in column 6 lines 37-50, a user inserts a recording medium in the drive and starts the playback after a user enters instructions to play the recording medium found in the drive. Playback of data stored in the recording medium is further disclosed in column 11 lines 17-42, wherein the playback control program is able to playback the information. As further disclosed in column 20 lines 7-38 of Kanazawa, the information from a server can be automatically displayed with the information from a recording medium. Therefore, Kanazawa teaches the recording medium control module automatically reproduces the data on the recording medium.

d. Applicant's arguments is stated as Kanazawa does not disclose outputting the related content to a user.

In regards to the argument, Examiner respectfully disagrees. As illustrated in Figure 11A and Figure 19A, and disclosed in column 7 line 53 - column 8 line 46 and column 15 lines 34-57 of Kanazawa, the output of related content from a web server that is downloaded based on access information is output at the same time as when the information from the recording medium is output to the user. By utilizing the access information which identifies related information in a

web server, additional content related to the information in the recording medium is downloaded and displayed when play back of the recording medium occurs. Therefore, Kanazawa teaches outputting the related content downloaded from a server to a user.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **DANGELINO N. GORTAYO** whose telephone number is (571)272-7204. The examiner can normally be reached on M-F 7:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tim T. Vo can be reached on (571)272-3642. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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